

870120

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, JANUARY 20, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Struiksma at 10:05 a.m. The meeting was recessed by Chairperson Struiksma at 10:51 a.m. to convene as the Housing Authority and reconvene as the Council at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Jones at 2:06 p.m. with no quorum present. Absent were Mayor O'Connor and Council Members Cleator, McColl, McCarty, and Ballesteros. Deputy Mayor reconvened the meeting at 2:07 p.m. with Mayor O'Connor and Council Members McCarty and Ballesteros not present. Deputy Mayor Jones adjourned the meeting at 4:34 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-267616
(City business in Washington, D. C.)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-excused by R-267836
(Jury duty)
- (8) Council Member Ballesteros-present
Clerk-Abdelnour (jb;bb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-not present

(8) Council Member Ballesteros-not present

Jan-20-1987

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Wolfsheimer.

FILE LOCATION: MINUTES

ITEM-30: GRANTED HEARING

Matter of the request of Mark II Properties, by Susan K. Lay, for a hearing of an appeal from the decision of the Planning Commission in denying Planned Residential Development PRD-84-0763 and Tentative Map TM-84-0763 (North Creek Homes), proposing a 6-lot subdivision to construct 599 multi-family attached units. The subject property is described as Lots 32-89 of Fortune Homes, Unit 2, Map-9615; Lots 90-150, Fortune Homes, Unit 3, Map-9779; and Lots 153-194, Fortune Homes, Unit 4, Map 9786 (approximately 30 acres), located west of 45th Street, south of Imperial Avenue, north of Oceanview Boulevard and east of Horizon Street, in Zone R1-5000 (proposed R-2000), in the Southeast San Diego Community Plan area.
(PRD & TM 84-0763. District-4.)

A motion granting or denying the request for a hearing of the appeal.

NOTE: If the request to allow an appeal is granted, time has been reserved for the project to be heard on Tuesday, February 24, 1987, at 10:00 a.m., with a companion rezoning and community plan amendment.

FILE LOCATION: PERM PRD-84-0763; SUBD - North Creek Homes

COUNCIL ACTION: (Tape location: A040-080.)

MOTION BY McCOLL TO GRANT THE HEARING. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-31: GRANTED HEARING

Matter of the request of the Rancho Bernardo Community Planning Board by Gary A. Kreitzer, for a hearing of an appeal from the decision of the Planning Commission in granting Hillside Review Permit HRP-85-0453, Conditional

Use Permit CUP-85-0680 and Tentative Map Nos. TM-85-0399, TM-85-0430, TM-85-0431, TM-85-0680 and TM-85-0909 (Westwood Valley Units 1-9). The HRP and 5 tentative maps propose the division of 287.5 acres into approximately 611 lots for single-family and multiple-family residential development (1003 units). The CUP proposes to construct, use and maintain a private recreation facility for use of residents of the proposed development. The subject site is located north of Rancho Bernardo Road, west of Matinal Road, Azucar Way and Aquamiel Road in Zone R1-5000 (proposed R1-5000, R1-5000 (SLO) and R-3000), in the Rancho Bernardo Community Plan area, and is more particularly described as Parcel 1, Parcel Map PM-13464 and a portion of Rancho San Bernardo. (HRP-85-0453; CUP-85-0680; TM-85-0399, TM-85-0430, TM-85-0431, TM-85-0680, and TM-85-0909. District-1.) A motion granting or denying the request for a hearing of the appeal.

NOTE: If the request to allow an appeal is granted, time has been reserved for the project to be heard with 2 companion rezonings and a plan amendment on Tuesday, February 24, 1987 at 2:00 p.m.

FILE LOCATION: PERM HRP-85-0453; PERM CUP-85-0680; SUBD - Westwood Valley Units 1-9

COUNCIL ACTION: (Tape location: A081-100.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING. Second by Cleator.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-50: (O-86-176) INTRODUCED AND ADOPTED AS ORDINANCE O-16796 (New Series)

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Introduction and adoption of an Ordinance amending Chapter II, Article 7, Division 31, of the San Diego Municipal Code, by amending Section 27.3102, relating to Special Meeting to Consider the Alternative of Appointment or Election, to provide that a vacancy shall occur in an elective office of the City of San Diego by reason of resignation only after the City Clerk is notified in writing.

CITY CLERK REPORT: As soon as it is known that there will be a vacancy in an elective office of the City of San Diego by reason

of a resignation or that there exists a vacancy in such elective office by reason of a death or other unexpected circumstance, the presiding officer of the Council shall immediately call a special meeting of the Council to consider the question of whether the vacancy shall be filled by an appointment or an election. In the instance of resignation, a notification containing the effective date of resignation must be received in the Office of the City Clerk for a vacancy to occur. Unless otherwise specified, a resignation is effective when received. If the determination is made to fill the position by appointment, the procedures provided for in the Municipal Code shall be followed. This amendment documents the City Attorney's opinion and past practice that resignations should be turned in to the City Clerk as official record keeper of the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A216-224.)

CONSENT MOTION BY GOTCH TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-100:

Two actions relative to awarding contracts:

Subitem-A: (R-87-1288) ADOPTED AS RESOLUTION R-267488

University Ford for the purchase of 32 Police Sedans (Pastels) (1987 Ford Crown Victorias "S" Model), for a total cost of \$328,600.59, including tax, terms and trade-in allowance, as follows: (BID-7704)

Trade-In Equipment	Unit Allowance	Extension
1 1981 Ford Fairmount	\$1,522.50	\$ 1,522.50
16 1982 Ford Fairmounts	\$1,722.50	\$27,560.00
1 1983 Ford Fairmount	\$1,922.50	\$ 1,922.50
Total Trade-In Allowance		\$31,005.00

Aud. Cert. 8700552.

Subitem-B: (R-87-1287) ADOPTED AS RESOLUTION R-267489

Pursuit Specialties for the purchase of lightbars and accessories, for a total cost of \$28,165.90, including tax and terms. (BID-7754)

Aud. Cert. 8700551.

FILE LOCATION: MEET CONTFY87-2

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-101: (R-87-1290) ADOPTED AS RESOLUTION R-267490

Awarding contracts for miscellaneous shop equipment, for a total cost of \$34,821, including tax, as follows:

(BID-7539)

1. Westesco for Items 1, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14.
 2. Equipment Specialists, Inc. for Item 3.
 3. Buffalo Hydraulic Jack Service, Inc. for Item 11.
 4. Kaman Corp. (Winn Supply Co.) for Item 15.
- Aud. Cert. 8700554.

FILE LOCATION: MEET CONTFY87-4

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-102:

Seven actions relative to the final subdivision map of Camino Bernardo Unit No. 1, a 2-lot subdivision located southwesterly of I-15 and Camino del Norte:
(Rancho Bernardo Community Area. District-1.)

Subitem-A: (R-87-1367) ADOPTED AS RESOLUTION R-267491

Authorizing the execution of a subdivision improvement agreement with Camino Bernardo Associates, for the installation and completion of public improvements.

Subitem-B: (R-87-1366) ADOPTED AS RESOLUTION R-267492

Approving the final map.

Subitem-C: (R-87-1370) ADOPTED AS RESOLUTION R-267493

Vacating unneeded water and drain easements affecting Parcel 2 of Parcel Map PM-11645.

Subitem-D: (R-87-1371) ADOPTED AS RESOLUTION R-267494

Approving the acceptance by the City Manager of an easement deed of Camino Bernardo Associates, granting to the City an

easement for sewer and water facilities and a sewer pump station, in a portion of Parcel 2 of Parcel Map PM-11645.

Subitem-E: (R-87-1368) ADOPTED AS RESOLUTION R-267495
Authorizing the execution of an agreement with Camino Bernardo Associates, for the closure of the intersection of Camino del Norte and Street A.

Subitem-F: (R-87-1372) ADOPTED AS RESOLUTION R-267496
Approving the acceptance by the City Manager of that street reservation in Parcel "B" of Penasquitos Glens Unit No. 8, Resubdivision Map-8325; dedicating said land as and for a public street and naming the same Andorra Way.

Subitem-G: (R-87-1373) ADOPTED AS RESOLUTION R-267497
Approving the acceptance by the City Manager of that street easement deed of Camino Bernardo Associates, granting to City an easement for public street purposes in a portion of Parcel 2, Parcel Map PM-11645; dedicating said land as and for public streets and naming the same Bernardo Center Drive, Terrasa Crisalida, Avenida de los Lobos, Paseo Montanoso, Camino del Norte and Corte Raposo.

Subitem-H: (R-87-1369) ADOPTED AS RESOLUTION R-267498
Authorizing the execution of an agreement with Camino Bernardo Associates for the financing of public facilities.
FILE LOCATION:

Subitems A,B,E,H SUBD - Camino Bernardo Unit
No. 1;

Subitem C DEED F-3729;

Subitem D DEED
F-3730;

Subitem F DEED F-3731;

Subitem G
DEED F-3732 CONFY87-3; DEEDFY87-4)

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-103:

Four actions relative to the final subdivision map of
Miracrest Industrial Subdivision, an 8-lot subdivision
located northwesterly of Miramar Road and Commerce Avenue:
(Mira Mesa Community Area. District-5.)

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Subitem-A: (R-87-1261) ADOPTED AS RESOLUTION R-267499

Authorizing the execution of a subdivision improvement
agreement with Japatul Corporation for the installation and
completion of public improvements.

Subitem-B: (R-87-1260) ADOPTED AS RESOLUTION R-267500

Approving the final map.

Subitem-C: (R-87-1333 Rev.1) ADOPTED AS RESOLUTION R-267501

Approving the acceptance by the City Manager of a street
easement deed of EGP - PID, Inc. granting to the City an
easement for public street purposes in a portion of Lot 83,
GW Industrial Park Unit 8, Map-9004, as a division of Lot
23, GW Industrial Park Unit 3, Map-8190; dedicating said
land as and for a public street and naming the same
Spectrum Lane.

Subitem-D: (R-87-1334) ADOPTED AS RESOLUTION R-267502

Authorizing the execution of a quitclaim deed, quitclaiming
to EGP - PID, Inc., those abutter's rights of access in and
to Camino Santa Fe, north of Miramar Road adjacent and
contiguous to a portion of the Northwest Quarter of the
Southwest Quarter, and a portion of Lot 4, in Section 11,
Township 15 South, Range 3 West.

FILE LOCATION:

Subitems A & B SUBD - Miracrest Industrial
Subdivision;

Subitem C DEED F-3733;

Subitem

D DEED F-3734 DEEDFY87-2; CONTFY87-1

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by
the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not

present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-104: (R-87-1327) ADOPTED AS RESOLUTION R-267503

Authorizing the execution of a deed conveying to San Diego Gas and Electric Co. an easement for overhead electrical facilities and appurtenances affecting a City-owned portion of Rancho San Bernardo.

(San Pasqual Community Area. District-1.)

CITY MANAGER REPORT: Since 1980, Pinery Tree Farms has been subleasing 60 acres of the Witman Ranch leasehold in San Pasqual to grow pine trees and Christmas trees on a commercial basis. On January 1, 1987, these 60 acres will be deleted from the Witman leasehold, and the City will begin leasing directly to the Pinery Tree Farms. The new lease will have a 20-year term and will cover a total of 222 acres. To extend electrical power to a new well pump to be installed at the tree farm, San Diego Gas and Electric Company requires an easement from the City. The electrical service will be overhead, consisting of the placement of six new cable poles and six anchors, all at no expense to the City. The electrical installation will be entirely within the bounds of the Pinery Tree Farms leasehold. The easement covers 12-foot-wide strips of land for an approximate total of 19,700 square feet. The approval of the Water Utilities Department has been obtained.

FILE LOCATION: DEED F-3735 DEEDFY87-1

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-105: (R-87-1107) ADOPTED AS RESOLUTION R-267504

Approving the acceptance by the City Manager of a street easement deed of Pete Hill Construction Company, Inc., granting to the City an easement for public street purposes in a portion of Pueblo Lot 1297, Miscellaneous Map-36; dedicating said land as and for a public street and naming the same Calle Del Cielo.

(La Jolla Shores Community Area. District-1.)

FILE LOCATION: DEED F-3736 DEEDFY87-1

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,

Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-106: (R-87-1108) ADOPTED AS RESOLUTION R-267505

Approving the acceptance by the City Manager of a grant deed of Chevron U.S.A., Inc., granting to the City an easement for roadway purposes over, under, across and through a portion of Lot 1 of Block 147, Middletown and in Vine Street vacated; dedicating said land as and for a public street and naming the same Vine Street.

(Uptown Community Area. District-2.)

FILE LOCATION: DEED F-3737 DEEDFY87-1

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-107: (R-87-1109) ADOPTED AS RESOLUTION R-267506

Approving the acceptance by the City Manager of those street and drainage easement deeds of K.G. Blanca Associates, granting to the City easements for public street purposes and drainage purposes in a portion of Section 28, Township 18 South, Range 2 West, SBM; dedicating said land as and for a public street and naming the same Avenida De La Mexico.

(Otay Mesa-Nestor Community Area. District-8.)

FILE LOCATION: DEED F-3738 DEEDFY87-2

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-108: (R-87-1326) ADOPTED AS RESOLUTION R-267507

Approving the acceptance by the City Manager of the deed of Crestmar Partners, conveying to the City a water easement in portions of Parcels 2 and 3 of Parcel Map PM-14165; authorizing the execution of a quitclaim deed, quitclaiming to Crestmar Partners all the City's right, title and interest in the water easement in Parcels 2 and 3 of Parcel Map PM-14165.

(Mira Mesa Community Area. District-5.)

FILE LOCATION: DEED F-3739 DEEDFY87-2

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmayea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-109: (R-87-1110) ADOPTED AS RESOLUTION R-267508

Authorizing the execution of a quitclaim deed, quitclaiming to Crow Muben La Jolla Partners, Ltd. all the City's right, title and interest in an unneeded drainage easement in Parcel 2, Parcel Map PM-13666.

(Located in the northwest corner of Charmant Drive and Lebon Drive. University Community Area. District-1.)

FILE LOCATION: DEED F-3740 DEEDFY87-1

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmayea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-110: (R-87-1325) ADOPTED AS RESOLUTION R-267509

Vacating the City's interest in unneeded open space, general utility, and water and drain easements affecting Parcels 1 through 6 of proposed Parcel Map TM-86-0195, being a consolidation of Lots 1 and 3 through 9 of Bella Pacific Park, Map-10253.

(Pacific Beach Community Area. District-6.)

FILE LOCATION: DEED F-3741 DEEDFY87-1

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmayea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-111: (R-87-1250) ADOPTED AS RESOLUTION R-267510

Adopting the comments on the findings and recommendations of the San Diego County Grand Jury in the Final Report for Fiscal Year 1985-86 and the letters from Mayor O'Connor and City Attorney John Witt.

(See the letter from Mayor Maureen O'Connor dated 11/20/86;

letter from City Attorney John Witt dated 11/17/86.)

CITY ATTORNEY REPORT: In June, 1986 the San Diego County Grand Jury issued its 1985-86 Final Report containing certain findings and recommendations with respect to the City of San Diego. These have been commented on in a letter to the Grand Jury by Mayor Maureen O'Connor dated November 20, 1986 (which incorporated certain comments by Deputy Mayor Ed Struiksma dated July 3, 1986) and a letter to the Presiding Judge of the Superior Court dated November 17, 1986 by City Attorney John Witt. Section 933 of the California Penal Code provides that the City Council shall comment on the findings and recommendations. This action is intended to accomplish that by a Resolution adopting these letters as the comment of the San Diego City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

* ITEM-112: (R-87-1338) ADOPTED AS RESOLUTION R-267511

Approving the work program for the revision of the General Plan and Growth Management Program as contained in Planning Department Report PDR-87-005.

(See Planning Department Report PDR-87-005.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A225-240.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

ITEM-113: (R-87-1270 Rev.1) ADOPTED AS RESOLUTION R-267512

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Authorizing the execution of a five year concession permit with Cajon Valley Catering, for the operation and maintenance of mobile food concessions at Mission Bay Park, Ocean Beach Park, Bahia Point Snack Bar and Torrey Pines Glider Port, at a minimum annual rent of \$30,000 versus 15 to 20 percent of all gross sales.

(See City Manager Report CMR-86-548. Pacific Beach Community Area. District-6.)

COMMITTEE ACTION: Reviewed by PFR on 12/10/86. Recommendation to authorize the City Manager to execute a concession permit with Cajon Valley Catering. The Committee also requested the alternative of awarding contracts to both Cajon Catering and Delight Wholesale Company with a report back from the City Manager. Districts 2, 3, 5, 7 and 8 voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A241-357.)

MOTION BY CLEATOR TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

ITEM-114: (R-87-1336) CONTINUED TO FEBRUARY 2, 1987

Authorizing the execution of an agreement with Cleo Architecture and Design Incorporated for professional services required to expand the Penasquitos Branch Library; authorizing the expenditure of an amount not to exceed \$26,000 from Capital Outlay Fund 30245, CIP-35-072, Penasquitos Branch Library Expansion, for the purpose of providing funds for the above project.

(Penasquitos East Community Area. District-1.)

CITY MANAGER REPORT: This proposed agreement with Cleo Architecture and Design Incorporated will provide the professional services required to expand the existing Penasquitos Branch Library. In August, 1984, Council authorized funds for site development and lease of a modular building for a temporary library operation. The existing facility is now too small to adequately serve the current and projected needs of the community. This project will expand the library building located at 13355 Salmon River Road from the present 2,700 square feet to approximately 4,800 square feet. Purchase of additional books, shelving and furnishings are all included in the project budget. This project is consistent with the Penasquitos East Community Plan and is in accordance with the City's General Plan Guidelines. The selection of this consultant was made in accordance with Council Policy 300-7 and has been reviewed by the Contract Compliance Officer and the Personnel Department. Aud. Cert. 8700528.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A101-215.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR TWO WEEKS, AT CITY MANAGER

LOCKWOOD'S REQUEST. Second by McColl. Passed by the following

vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor-O'Connor-not present.

ITEM-150: (R-87-1317) ADOPTED AS RESOLUTION R-267513

Denying the requests of the property owners on Beaumont Avenue to waive the criteria for sidewalks in the proposed improvement of Beaumont Avenue.

(See City Manager Report CMR-86-529. La Jolla Community Area. District-1.)

COMMITTEE ACTION: Reviewed by TLU on 11/10/86. Recommendation to forward to the City Council with no recommendation.

Districts 1, 7 and 8 voted yea. Districts 4 and 5 not present.

CITY MANAGER REPORT: In July 1986, a property owner requested that a 1911 Act petition be issued for the improvement of Beaumont Avenue between Forward Street and Midway Street. The property owner further requested that sidewalks be deleted from the proposed petition because a number of property owners have landscaping, and in several cases fences, which encroach into the right-of-way and would have to be removed or relocated if a sidewalk were constructed. The request was denied based on the City's policy of requiring sidewalks with street improvements wherever feasible. On October 13, 1986, the property owner appeared before the Transportation and Land Use Committee with a communication requesting the deletion of the sidewalks from the 1911 Act petition. On November 5, 1986, the Transportation and Land Use Committee voted 3-0 to refer the matter to the Council without a recommendation. Based on the need to provide a separate pedestrian walkway, the fact that the two cross-streets involved and practically all other streets in the vicinity have sidewalks, and the fact that the construction of sidewalks is feasible, it is recommended that the request for deletion be denied.

FILE LOCATION: STRT D-2263

COUNCIL ACTION: (Tape location: A358-630.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-330: CONTINUED TO JANUARY 26, 1987, AT 2:00 P.M.

Rezoning Black Mountain Vistas, Unit 2, a portion of the Southeast 1/4 of Section 12, Township 14 South, Range 3

West, SBBM (approximately 42.8 acres), located north of Carmel Mountain Road, west of Twin Trails Drive and east of Russet Leaf Lane, in the Penasquitos East Community Plan area, from Zones A-1-10 and A-1-10 (HR) to Zones R1-5000 and R1-5000 (HR).
(Case-84-0497. District-1.)

Subitem-A: (R-87-1158)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0497 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-128)

Introduction of an Ordinance for R1-5000 and R1-5000 (HR) Zoning.

NOTE: On 11/24/86, Council voted 7-1 to reconsider this matter.
FILE LOCATION:

Subitem A ZONE ORD. NO.;

Subitem B--

COUNCIL ACTION: (Tape location: A101-215.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JANUARY 26, 1987, AT 2:00 P.M., AT WILLIAM MOORHOUS' REQUEST. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-331:

Two actions relative to the Harbor Drive (5th Avenue to 1,000 feet N. of Sigsbee Street) Underground Utility District:
(Barrio Logan/Harbor Community Area. District-8.)

Subitem-A: (R-87-1078) ADOPTED AS RESOLUTION R-267514

Establishing an Underground Utility District to be known and denominated as the Harbor Drive (5th Avenue to 1,000 feet north of Sigsbee Street) Underground Utility District.

Subitem-B: (R-87-1079) ADOPTED AS RESOLUTION R-267515

Authorizing the expenditure of an amount not to exceed \$6,500 from CIP-37-028, Federal Revenue Sharing Fund 18014 for the purpose of administering the Harbor Drive (5th Avenue to 1,000 feet north of Sigsbee Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER REPORT: The proposed district will underground both distribution and transmission overhead utilities on Harbor Drive between 5th Avenue and the Harbor Drive Bridge to the south. Due to its substantially higher cost, 69KV transmission lines are normally excluded from undergrounding projects. However, in this case it is recommended that the 69KV lines be undergrounded because of their proximity to the proposed Convention Center and the fact that the 69KV lines in Harbor Drive west of Fifth Avenue were undergrounded when Harbor Drive was realigned in 1980. It is proposed that the additional cost of the 69KV undergrounding be provided by deferring the portion of this scheduled project between the bridge and Evans Street to Calendar Year 1994 or later. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. All of the 24 properties affected by this district are commercial/industrial in use. Conversion costs may vary from \$600 to several thousand dollars or more. Property owners will be eligible for reimbursement payments based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 8700464.

FILE LOCATION: STRT K-170

COUNCIL ACTION: (Tape location: A641-B030.)

MOTION BY BALLESTEROS TO ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-332:

Rezoning of Lot 7, Block 79, Roseville, Map-165, (approximately 5,000-square-feet), located at the southwest corner of Jarvis and Scott Streets, in the Peninsula Community Plan area, from Zone R-400 to Zone C-1. (Case-86-0534. District-2.)

Subitem-A: (R-87-907) ADOPTED AS RESOLUTION R-267516

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0534 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-105) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1987

Introduction of an Ordinance for C-1 Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: D217-248.)

Hearing began at 2:26 p.m. and halted at 2:28 p.m.

Council Member Ballesteros entered at 2:26 p.m.

Testimony in favor by Charles Bell.

MOTION BY CLEATOR TO ADOPT SUBITEM A AND INTRODUCE SUBITEM B.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,

Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea,

Mayor O'Connor-not present.

ITEM-333: CONTINUED FOR 8 MONTHS

A request to rezone Lots 8-12, Block 3, Del Mar Terrace, Map-1527, (approximately 21,981-square-feet), located on the west side of Via Borgia between Via Aprilia and Carmel Valley Road, in the Torrey Pines Community Plan area, from Zone R1-5000 to Zone CN.
(Case-85-0243. District-1.)

Subitem-A: (R-87-908)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-85-0243 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-104)

Introduction of an Ordinance for CN Zoning.

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: D051-216.)

Hearing began at 2:12 p.m. and halted at 2:25 p.m.

Motion by Wolfsheimer to continue indefinitely until there is an

approved Planned Commercial Development Permit. No second.
MOTION BY WOLFSHEIMER TO CONTINUE FOR 8 MONTHS IN ORDER TO HAVE
THE PCDP AND REZONING HEARD AT THE SAME TIME. Second by Gotch.
Passed by the following vote: Wolfsheimer-yea, Cleator-yea,
McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not
present, Ballesteros-not present, Mayor O'Connor-not present.

ITEM-334: (O-87-145) INTRODUCED AND ADOPTED AS AMENDED AS
ORDINANCE O-16824 (New Series)

870120

Introduction and adoption of an extension to Interim
Ordinance No. O-16743 N.S. relative to establishing a
Conditional Use Permit Process for Hazardous Waste
Treatment, Research, Development and Demonstration
Facilities.

The Interim Ordinance would be extended for one year or
until the effective date of a permanent ordinance,
whichever first occurs.

PLANNING DIRECTOR REPORT: On October 28, 1986, the City
Council adopted an interim ordinance establishing a Conditional
Use Permit process for Hazardous Waste Treatment Research,
Development and Demonstration Facilities in the SR zone. That
Ordinance, No. O-16743 N.S., was adopted as an emergency measure
and is effective for only 90 days.

An extension of time is necessary to allow the consideration and
enactment of an ordinance making this permit process a permanent
requirement of the Municipal Code. The Planning Commission has
set the proposed permanent ordinance for hearing on January 22,
1987.

ENVIRONMENTAL IMPACT: This activity is an emergency project
exempt from CEQA pursuant to State CEQA Guidelines Sec. 15269.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D249-253;E115-G280.)

Hearing began at 2:29 p.m. and recessed at 2:29 p.m.

Hearing resumed at 2:00 p.m. and halted at 4:33 p.m.

Testimony in favor by Sue Oxley, Diane Takvorian, Scott Harvey,
and Pieter Speyer.

Testimony in opposition by Miriam Nichols, Michael Lawrence
Tupper, Michael Anthony Lawson, Brian J. Baxter, and Bob
Smothers.

MOTION BY STRUIKSMA TO INTRODUCE AND ADOPT AS AMENDED
EXTENDING

THE INTERIM ORDINANCE FOR A PERIOD OF 4 MONTHS WITH A PROGRESS
REPORT TO BE SUBMITTED BEFORE THE PUBLIC SERVICES AND SAFETY
COMMITTEE WITH THE TIME AND DATE TO BE SET BY THE COMMITTEE

CHAIRMAN AND THE PLANNING DEPARTMENT (APPROXIMATELY THE SECOND WEEK IN APRIL). ITEMS TO BE BROUGHT BEFORE COMMITTEE FOR DISCUSSION ARE: 1) TO CONDUCT TIMELY, IN-DEPTH REVIEWS WITH EPA, DOHS, AND APCD TO RESOLVE ANY OUTSTANDING ISSUES AND PROVIDE APPROPRIATE RECOMMENDATIONS FOR INCORPORATION IN THE INITIAL PERMITS; 2) DIFFERENTIATE BETWEEN RESEARCH ACTIVITIES AND COMMERCIAL OPERATIONS WHEN FORMULATING THE CONDITIONAL USE PERMIT PROCESS REQUIRED BY INTERIM ORDINANCE O-16743; AND 3) CLARIFY ISSUE OF WHETHER WASTE IS GENERATED OUTSIDE OR INSIDE SAN DIEGO. ALSO, IF COMMITTEE DEEMS IT APPROPRIATE, RETURN RESULTS FROM THE REVIEW TO COUNCIL FOR DISCUSSION. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-335:

Matters of:

- 1) Appeal of Joseph Development Co. from the decision of the Planning Commission in approving Tentative Map TM-86-0387 (Chancellor Park) which proposes to subdivide a 16.6 acre site into seven (7) lots for industrial development.
- 2) The application of JB-OS, Partnership for a Planned Industrial Development permit to construct 542,000 sq. ft. of office space in six (6) 3-story buildings and one (1) 2-story building with parking.
- 3) An amendment to the University Community Plan to redesignate the site from business/industrial to commercial office use.

The subject property (approximately 16.6 acres) is located on the south side of Eastgate Mall between Genesee Avenue and Towne Centre Drive, in the University Community Plan area, in Zone M1-A and is more particularly described as Lot 3, Prospect Acres, Map-3803.
(TM & PID-86-0387. District-1.)

Subitem-A: (R-87-1506) ADOPTED AS RESOLUTION R-267517
870120

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0387 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-87-1507) ADOPTED AS RESOLUTION R-267518
Adoption of a Resolution approving or denying the appeal
and the map, with appropriate findings to support Council
action.

Subitem-C: (R-87-1508) ADOPTED AS RESOLUTION R-267519
Adoption of a Resolution approving or denying the permit,
with appropriate findings to support Council action.

Subitem-D: (R-87-1509) ADOPTED AS RESOLUTION R-267520
Adoption of a Resolution approving or denying the amendment
to the University Community Plan.

Subitem-E: (R-87-1510) ADOPTED AS RESOLUTION R-267521
Adoption of a Resolution containing appropriate findings of
mitigation, feasibility or project alternatives pursuant to
California Public Resources Code Section 21081 in
connection with Environmental Impact Report EIR-86-0387.

FILE LOCATION:

Subitems A, C and E PERM PID-86-0387;

Subitem B SUB Chancellor Park;

Subitem D

LAND University Community Plan

COUNCIL ACTION: (Tape location: D254-E108.)

Hearing began at 2:29 p.m. and halted at 2:59 p.m.

Testimony in favor by John Thelan and R. Paul Buss.

MOTION BY WOLFSHEIMER TO ADOPT SUBITEMS A, B, C, D, AND E AS
SUBMITTED BY THE APPELLANT. Second by Struiksma. Passed by the
following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present,
Ballesteros-yea, Mayor O'Connor-not present.

ITEM-336:

Three actions relative to the vacation of a portion of
Eastgate Mall:

(University Community Area. District-1.)

Subitem-A: (R-87-1118) ADOPTED AS RESOLUTION R-267522
Vacating the excess portion of Eastgate Mall, within the
subdivision boundaries of Chancellor Park (TM-86-0387);

declaring that this resolution shall not become effective unless and until the final subdivision map for Chancellor Park (TM-86-0387) has been approved by Council action; in the event that the final subdivision map is not approved six years after adoption, this resolution shall become void and be of no force or effect.

Subitem-B: (R-87-1119) ADOPTED AS RESOLUTION R-267523

Certifying that the information contained in Environmental Impact Report EIR-86-0387, issued in connection with vacation of the southerly excess portion of Eastgate Mall, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said Report has been reviewed and considered by the Council.

Subitem-C: (R-87-1120) ADOPTED AS RESOLUTION R-267524

Adopting the findings with respect to the feasibility of the mitigating measures and project alternatives contained within the Environmental Impact Report EIR-86-0387 for Chancellor Park.

CITY MANAGER REPORT: The vacation of the southerly excess portion of Eastgate Mall has been initiated by the tentative map process. The area of vacation is within the tentative map boundaries of Chancellor Park (TM-86-0387) which proposes a resubdivision of 16.6 acres into 7 lots for industrial use. Development of the properties is to conform to the corresponding Planned Industrial Development Permit PID-86-0387 if approved. The Subdivision Board recommended denial of the tentative map on October 27, 1986. The tentative map and PID were then submitted to the Planning Commission for action which resulted with the recommendation for approval for both items on November 13, 1986. The subject right-of-way was dedicated as Miramar Road by subdivision per Prospect Acres, Map-3803 in 1958 and was later changed to Eastgate Mall in 1966. A 92-foot-wide right-of-way is to remain after the authorization of the vacation. The remaining right-of-way will then match the adjacent and existing 92-foot-wide roadway located easterly which is currently improved as a 4-lane major street. The area of vacation is unimproved but does contain public and franchised facilities. No easements are to be reserved from the vacation. The mandatory easements are to be granted through the subdivision process for all of the existing facilities that are to remain in place upon development. Staff review has indicated that the right-of-way to be vacated is no longer required for present or

prospective public use and may be vacated as provided under Section 66499.20 1/2 of the State Map Act and is subject to the approval of Chancellor Park TM-86-0387.

NOTE: See Item 335 on today's docket for a companion item.

FILE LOCATION: STRT J-2638; F-3742 DEEDFY87-1

COUNCIL ACTION: (Tape location: E109-114.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S400: (R-87-1392) ADOPTED AS RESOLUTION R-267487

Proclaiming Friday, January 23, 1987 to be "COP'ER BOWL DAY" throughout the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D018-050.)

MOTION BY STRUIKSMA TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-not present, Mayor O'Connor-not present.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Jones at 4:34p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C050-065;D281-294).

MOTION BY CLEATOR TO ADJOURN IN HONOR OF THE MEMORY OF ED HALL. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-not present.

MOTION BY GOTCH TO ADJOURN IN HONOR OF THE MEMORY OF AVIS STONE, JOAN L. SLOANE, AND EUGENE HUGH WICKSTROM. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.